

CDDH comments on the Parliamentary Assembly Recommendation 2130(2018) “Legal challenges related to hybrid war and human rights obligations”

89th meeting - 19–22 June 2018 - CDDH(2018)R89

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2130(2018) – “ *L e g a l c h a l l e n g e s r e l a t e d t o h y b r i d w a r a n d h u m a n r i g h t s o b l i g a t i o n s* ”
2. The CDDH shares the concerns of the Assembly concerning in particular cyber-attacks and mass disinformation campaigns and notes that the Council of Europe¹ combats the threat of cybercrime through different legal instruments, while respecting and encouraging freedom of expression and activity of the media and internet users.
3. In this context, the CDDH recalls that its Drafting Group on Freedom of Expression and links to other Human Rights is addressing misinformation in order to identify good practices to combat it in culturally diverse societies.
4. As to the development of legal standards to combat the threats of hybrid war, the CDDH stresses the importance of the Budapest Convention on Cybercrime², the only binding international instrument in this field, and notes that an adequate monitoring is carried out on a regular basis³ to guarantee compliance with its provisions. Further ratifications of this instrument would be preferable rather than drafting any new binding legal instrument on the issue.
5. The CDDH would be ready, if appropriate, to contribute to the work of the competent bodies on this matter which the Committee of Ministers would deem necessary.

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Text of Recommendation 2130(2018)

Legal challenges related to hybrid war and human rights obligations Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2217 \(2018\)](#) on legal challenges related to hybrid war and human rights obligations.
2. The Assembly recommends that the Committee of Ministers:
 - 2.1. conduct a study on hybrid war threats, with a special focus on non-military means, in order to identify key vulnerabilities and specific hybrid-related indicators, potentially affecting national and European structures and networks, and to

¹ See the work of its Information Society Department within the Directorate General of Human Rights and Rule of Law.

² <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680081561>

³ Article 46 of the Budapest Convention sets out that the Parties shall, as appropriate, consult periodically with a view to facilitating the effective use and implementation of this Convention, including the identification of any problems thereof, the exchange of information on significant legal, policy or technological developments pertaining to cybercrime and the collection of evidence in electronic form and consideration of possible supplementation or amendment of the Convention. In order to do this the Cybercrime Convention Committee (T-CY) is the Committee of the Parties to the Budapest Convention.

identify legal gaps and develop appropriate legal standards, including considering a new Council of Europe convention on this subject;

- 2.2. draft principles for regulatory reform of social media platforms to ensure transparency in the conduct of free and fair elections;
- 2.3. e x a m i n e S t a t e s ' p r a c t i c e i n c o u n t e r i n g h y b r i d legal standards and good practice and ensuring compliance of this practice with the safeguards provided for by the European Convention on Human Rights (ETS No. 5);
- 2.4. step up co-operation with other international organisations working in this field, in particular the European Union and the North Atlantic Treaty Organization (NATO);
- 2.5. promote the ratification by member and non-member States of the Convention on Cybercrime (ETS No. 185);
- 2.6. examine ways in which the Convention on Cybercrime is implemented by its States parties and initiate a reflection on whether it could be improved.